

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re PARMALAT SECURITIES LITIGATION

This document relates to: 04 Civ 0030 (LAK)

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**GRANT THORNTON LLP'S MOTION  
FOR ENTRY OF AN ORDER OF DISMISSAL WITH PREJUDICE**

Grant Thornton LLP ("GT-US"), by and through its attorneys, hereby moves this Court for entry of an order of dismissal with prejudice with regard to the claims against it by the Plaintiffs in the consolidated securities class actions. In support of its Motion, GT-US states as follows:

1. On June 28, 2005, this Court granted GT-US's motion to dismiss Plaintiffs' Amended Consolidated Class Action Complaint. The Court granted Plaintiffs leave to amend the complaint on or before August 8, 2005, in a "final effort" to "allege facts that would render sufficient the claims that this Court has found wanting." (June 28 Mem. Op. at 59; a true and correct copy is annexed as Exhibit 1). The date by which Plaintiffs were required to amend was subsequently extended to August 22, 2005.

2. Plaintiffs filed their Second Amended Consolidated Class Action Complaint ("Second Amended Complaint"; a true and correct copy is annexed as Exhibit 2) on August 22, 2005. The Second Amended Complaint includes the same claims and allegations

against GT-US that this Court found insufficient and dismissed on June 28, 2005, but it does not assert any new claims or allegations against GT-US. In a cover letter to the Court, counsel for Plaintiffs explained that “the claims and parties dismissed by Your Honor’s opinions” had been included in the Second Amended Complaint “[s]o as not to prejudice in any way Plaintiffs’ appellate rights.” (Letter from James J. Sabella to Hon. Lewis A. Kaplan (Aug. 22, 2005); a true and correct copy is annexed as Exhibit 3)

3. Plaintiffs have stipulated that as a result of the lack of new claims or allegations against GT-US, “GT-US is no longer a party to this action and need not respond to the Second Amended Complaint.” (Stipulation, filed Sept. 6, 2005 and entered by this Court on Sept. 13, 2005; a true and correct copy is annexed as Exhibit 4)

4. Because Plaintiffs have not asserted any claim against GT-US other than those the Court has already found insufficient, and because Plaintiffs declined to add any additional claim or allegation against GT-US in the time provided in this Court’s orders, the dismissal of all claims against GT-US in this matter should be with prejudice.

**WHEREFORE**, for the foregoing reasons, GT-US respectfully requests that this Court grant its Motion and enter an order dismissing all claims against it with prejudice.

Dated: October 21, 2005

Respectfully submitted,

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